

November 12, 2009

Four Corners Properties, LLC
c/o James R. Weir
P.O. Box 98
Adamsville, Rhode Island 02801

Re: Tiverton Zoning Board Relief; Map 2-4, Block/Plat 119, Card/Lot 16B & 16C

Dear Mr. Weir:

The following is the decision on your Petition heard by the Zoning Board of Review (the "Board") on November 4, 2009 for a request for a variance from Article XII, Section 7 f. of the Tiverton Zoning Ordinance (the "Zoning Ordinance") to maintain two existing off-site signs (the "Proposal") on property located at 18 East Road and 3848 Main Road, Tiverton, Rhode Island, at Map 2-4, Block/Plat 1119, Card/Lot 16B & 16C (the "Premises") in a Village Commercial district.

After the testimony was completed at the public hearing for which due notice was given and a record kept, and after having viewed the premises and the surrounding area, the Board, taking into consideration its knowledge and expertise and all of the testimony and evidence entered into the record at the public hearing, makes the following findings:

1. That the Premises comprise two lots in a commonly-owned commercial development and are zoned Village Commercial.
2. That the two signs contain directions for establishments not located on the Premises and have been in existence since 1998.
3. The petitioner testified that he wished obtain relief from the Board to keep the two signs in their present location. The proposal requires a variance from Article XII, Section 7 f. of the Zoning Ordinance.
4. No objections were raised to the Proposal.
5. The Board concurred with the factual statements and opinions of the petitioner, whose information, analysis and conclusions were found credible and are made a part of the record. No objections were presented by any abutters.

Based on the foregoing and after deliberations on the application, the Board voted 4 to 1 (Taylor voted against) to grant the application for the variance, as follows:

- a. Special conditions and circumstances exist which are special and peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same zoning district, and are not due to a physical or economic disability of the petitioner.
- b. Issuance of the requested relief will not be contrary to the public interest, and that, owing to special or peculiar site or structural conditions, literal enforcement of the provisions of this ordinance would result in an unnecessary hardship on the petitioner.

- c. The unnecessary hardship, which the petitioner seeks to avoid, has not been imposed by any prior action of the petitioner and is not based purely for monetary gain or loss.
- d. The granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.
- e. Relief from the provisions of this ordinance is the least relief necessary to remove the unnecessary hardship.
- f. That nonconforming use of neighboring lands, structures or buildings in the same district, and permitted use of lands, structures or buildings in an adjacent district did not form the grounds for the application of this variance request.
- g. That without the issuance of this use variance, the land or structure cannot yield any beneficial use.

This petition is granted by the Board with the following stipulations and conditions:

1. That this decision must be recorded in the Land Evidence Records in the Town Clerk's Office before a building permit/certificate of occupancy is issued. (Please note that the appeal period (20 days) begins when said decision is recorded and posted with the Town Clerk's Office).
2. That the relief is limited to the plans and representations made by the petitioners to the Board. Changes to the approved plan may be made without approval of the Zoning Board of Review if needed to comply with either the building or fire codes.
3. That this grant of relief shall expire and two signs must be removed from the Premises no later than two years after the date of the Board's decision, that is November 4, 2011, unless circumstances change to remove the need for the relief or the petitioner obtains an extension to continue the use from the Board.
4. This approval shall expire one year from the date of granting of such by the Board unless the applicant exercises the permission granted or receives a building permit to do so and commences construction and diligently prosecutes the construction until completed. The Board may, upon application thereof, for cause shown and without a public hearing, grant an extension, provided that not more than one such extension for a period of six months be granted.

Present this letter to the Building Inspector when applying for the necessary permits.

Very truly yours,

David Collins, Chairman
Tiverton Zoning Board of Review